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15 a corporation organized and existing under the laws  
16 of the Republic of Germany ("EDAG")

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

19  
20 EDAG Engineering GmbH,

21 Petitioner,

22 v.

23 BYTON North America Corporation,

24 Respondent.  
25  
26  
27  
28

Case No. 3:21-cv-04736-EMC

**PETITIONER EDAG'S NOTICE OF  
MOTION AND MOTION TO CONFIRM  
THE ARBITRATOR'S NOVEMBER 8,  
2021 ORDER**

Date: June 30, 2022  
Time: 1:30 p.m.  
Location: via Judge Chen's  
Videoconference – [Link](#)  
Judge: Hon. Edward M. Chen

**NOTICE OF MOTION****TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on June 30, 2022 at 1:30 p.m., or as soon thereafter as this matter may be heard before the Honorable Edward M. Chen, in Courtroom 5 – 17th Floor, of the United States District Courthouse located at 450 Golden Gate Avenue, San Francisco, CA 94102 (or remotely, as authorized by the Court and Judge Chen), Petitioner EDAG Engineering Group GmbH, a corporation organized and existing under the laws of the Republic of Germany (“EDAG”), will and does move the Court for an order confirming the November 8, 2021 Order of the Arbitrator, Hon. William J. Cahill (Ret.), in this matter.

Petitioner’s motion is based on this Notice of Motion; the Opposition to Motion to Vacate the Arbitrator’s November 8, 2021 Order, the [Proposed] Orders submitted with this document and with the Opposition to Motion to Vacate; the Petition in this matter; all other documents and pleadings on file; all matters of which the court may take judicial notice under Federal Rule of Evidence 201, and such oral and written argument and evidence as may be presented at the hearing hereof.

Dated: March 1, 2022

Respectfully submitted,

LEWIS & LLEWELLYN LLP

By: /s/ Kenneth M. Walczak

Evangeline A.Z. Burbidge

Marc R. Lewis

Kenneth M. Walczak

Attorneys for Petitioner EDAG  
ENGINEERING GMBH

**MEMORANDUM OF POINTS AND AUTHORITIES**

EDAG Engineering GmbH, a corporation organized and existing under the laws of the Republic of Germany (“EDAG”), incorporates by reference the entirety of its Opposition to Motion to Vacate the Arbitrator’s November 8, 2021 Order, and all arguments contained therein.

For the reasons set forth in that Opposition brief, the Court should confirm the Arbitrator’s November 8, 2021 Order, affirm EDAG’s property interest in the intellectual property currently held on JAMA servers, and make the Arbitrator’s injunctive relief provisions permanent.

Dated: March 1, 2022

Respectfully submitted,

LEWIS & LLEWELLYN LLP

By: /s/ Kenneth M. Walczak

Evangeline A.Z. Burbidge

Marc R. Lewis

Kenneth M. Walczak

Attorneys for Petitioner EDAG  
ENGINEERING GMBH